

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STEVEN J. SOUVE

v.

C.A. No. 05-316L

UNITED STATES OF AMERICA

MEMORANDUM AND ORDER

Petitioner has filed a motion under 28 U.S.C. § 2255, to vacate, set aside or correct sentence by a person in federal custody. The Court, by a Memorandum and Order dated March 22, 2006, gave the Petitioner until June 23, 2006 to file a reply to the Government's objection to his Section 2255 motion.

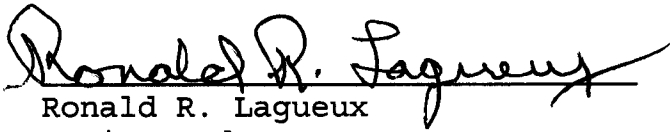
Petitioner has not responded.

It is clear from the facts set forth in the Government's objection that the Petitioner's conviction became final on April 22, 2004 after his conviction and sentence were affirmed by the First Circuit. Therefore, he had until April 22, 2005 to file a motion pursuant to Section 2255. He did not file this motion until July 12, 2006 and, therefore, clearly this motion is time barred.

In any event, the generalized grounds he has asserted for vacating his conviction and sentence are conclusory and not supported by factual allegations. Thus, they are clearly without merit.

For these reasons, Petitioner's motion pursuant to Section 2255 hereby is denied and dismissed.

It is so ordered.

A handwritten signature in black ink, reading "Ronald R. Lagueux". The signature is written in a cursive style with a large, looped initial "R".

Ronald R. Lagueux
Senior Judge
September 26, 2006